United Nations S/2000/268

Security Council

Distr.: General
30 March 2000

Original: English

Letter dated 29 March 2000 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

I have the honour to forward herewith the report of the Federal Republic of Yugoslavia on the status of bilateral negotiations with the Republic of Croatia on the solution of the disputed issue of Prevlaka, submitted under paragraph 5 of Security Council resolution1285 (2000) of 13 January 2000 (annex I) and the letter dated 6 March 2000 from Rodoljub Etinski, Head of the Yugoslav delegation to the negotiations, to his Croatian counterpart (annex II).

I should be grateful if you would have the present letter and its annexes circulated as a document of the Security Council.

(*Signed*) Vladislav **Jovanovic**
Chargé d'affaires a.i.

00-37116 (E) 310300

Annex I

Report of the Federal Republic of Yugoslavia on the status of the negotiations with the Republic of Croatia on the solution of the disputed issue of Prevlaka

Pursuant to paragraph 5 of Security Council resolution 1285 (2000) of 13 January 2000, the Federal Republic of Yugoslavia submits herewith the report to the Secretary-General of the United Nations on the status of bilateral negotiations between the delegations of the Federal Republic of Yugoslavia and the Republic of Croatia on the disputed issue of Prevlaka.

Since the last meeting, held on 9 March 1999, no other meeting has taken place in the past year between the delegations of the Federal Republic of Yugoslavia and the Republic of Croatia within the negotiations on the said issue as Croatia failed to convene the 5th meeting, which it was supposed to do in accordance with the agreed negotiation procedures. The Yugoslav side expressed its readiness to resume the negotiations and engage in a substantive discussion of the argumentations the two sides had exchanged after four rounds of negotiations on a number of occasions: in the letters of the head of the Yugoslav delegation, Rodoljub Etinski, addressed to the head of the Croatian delegation, Hrvoje Kacic, in July 1999 and on 6 March 2000; in the reports of the Federal Republic of Yugoslavia submitted to the Secretary-General in October and December 1999; and in the contacts of Yugoslav representatives with the representatives of the Secretariat of the United Nations.

In his letter to Mr. Kacic on 6 March 2000, Mr. Etinski expressed the readiness of the Yugoslav side to resume negotiations at the 5th meeting to take place in Zagreb, Croatia. He also proposed to include in its agenda the presentation of the Yugoslav positions on the arguments on which the Croatian side bases its perception of the extension of the State border in the area of Prevlaka and the presentation of the Croatian positions on the arguments on which the Yugoslav side bases its perception of the extension of the said border.

In the letters addressed by its Permanent Representative to the United Nations to the Security Council (S/1999/719, S/1999/783 and Corr.1 and S/1999/1049), the Republic of Croatia accuses, unjustly, the Federal Republic of Yugoslavia of an impasse in the negotiations. The Federal Republic of Yugoslavia is of the opinion that it is possible to hold serious negotiations only through direct dialogue by way of presenting arguments of the two parties in meetings of delegations rather than by letters. It therefore expects the Republic of Croatia to take the attitude towards the disputed issue of Prevlaka it committed itself to by the Agreement on Normalization of Relations between the Federal Republic of Yugoslavia and the Republic of Croatia of 23 August 1996.

In Security Council resolution 1285 (2000) of 13 January 2000 and in the report of the Secretary-General on the United Nations Mission of Observers in Prevlaka of 31 December 1999 (S/1999/1302), special emphasis is placed on "confidence-building measures". These measures are not acceptable to the Yugoslav side in the Blue Zone. They would amount to the revision of the concept of the Blue Zone established in 1992 according to which the authorities and citizens of the two sides are not allowed into the Zone. The "confidence-building measures" in the Blue Zone would imply movement of civilians in the Zone and the legalization of the

border crossing at Kobila. The measures would in fact legalize the presence of the citizens and authorities of the Republic of Croatia in the Zone and exonerate the Republic of Croatia from the continued violation of the regime of the Blue Zone.

In his report of 31 December 1999, the Secretary-General urges the parties to introduce "a limited access regime for local civilians with legitimate business in the United Nations-controlled zone". There have been no civilian businesses or private farmland that require cultivation in Prevlaka since the second half of the nineteenth century and military facilities alone have been located there. Croatian fishermen did not fish in the waters of Boka Kotorska Bay prior to the accession to independence by the Republic of Croatia, as it was prohibited by the laws of the Socialist Republic of Montenegro. Accordingly, there are no civilians who for "legitimate business" should be allowed into the Blue Zone pending a solution of the disputed issue of Prevlaka through bilateral negotiations.

The "confidence-building measures" run counter to the principle of peaceful solution of disputes, according to which parties in dispute should refrain from actions and measures conducive to the deterioration of the dispute or prejudging the dispute. In article 4 of the Agreement on Normalization of Relations between the Federal Republic of Yugoslavia and the Republic of Croatia, the two sides committed themselves to respecting "the existing regime established through United Nations monitoring" pending an agreement on Prevlaka, so that any unilateral request to change the provision constitutes a violation of that provision.

The Federal Republic of Yugoslavia reiterates its readiness to continue bilateral negotiations on the solution of the disputed issue of Prevlaka in accordance with article 4 of the aforementioned Agreement and the rules of international law in the spirit of good-neighbourliness.

Annex II

Letter dated 6 March 2000 from the head of the delegation of the Federal Republic of Yugoslavia to the head of the delegation of the Republic of Croatia

Further to the letter that we exchanged in July 1999 regarding the convening of a meeting of the delegations, we are informing you that the delegation of the Federal Republic of Yugoslavia for negotiations with the delegation of the Republic of Croatia on the establishment of the extension of the State border between the Federal Republic of Yugoslavia and the Republic of Croatia in Sector South and the solution of the disputed issue of Prevlaka is ready to continue negotiations at the 5th meeting which, according to the agreed rules of negotiations, should be held in Zagreb at a time to be determined jointly.

I propose that, at the meeting, we continue negotiations according to an agenda to be mutually agreed and which can include the presentation of our positions on the arguments on which you base your perception of the extension of the State border, ergo, including also the question of the map of 1992, with the signatures of Milan Panic, the then President of the Federal Government, and of General Zivota Panic, the then Head of the General Staff of the Army of Yugoslavia, as well as the question of the authenticity of those signatures and including also the presentation of your positions on the arguments on which the Yugoslav side bases its perception on the extension of the State border in the area of Prevlaka.

(*Signed*) Rodoljub **Etinski**
Ambassador
Head of delegation